

REMARKS

This is in response to the Office Action mailed May 31, 2006. In the Office Action, all claims 1-34 were pending and rejected. With this amendment, independent claim 20 is amended and the remaining claims are unchanged in the application.

Section Three of the Office Action indicated that independent claim 20 was rejected because the limitation "the synchronized intermediate database system" did not have antecedent basis in the claim. In response, Applicants have amended independent claim 20 in order to provide antecedent basis for that feature. Thus, Applicants respectfully submit that amended independent claim 20 now complies with 35 U.S.C. §112, second paragraph. Moreover, Applicants also respectfully submit that dependent claims 21-34 similarly now comply with 35 U.S.C. §112, second paragraph.

Section Five of the Office Action indicated that independent claims 1 and 20, among others, were rejected under 35 U.S.C. §103(a) as being unpatentable over Warshavsky et al. (U.S. Patent 6,732,095) in view of Linstedt (U.S. Patent Publication US2002/0161778 A1). Applicants respectfully traverse this rejection in view of the following.

As a threshold matter, Applicants respectfully note that U.S. Patent 6,732,095 appears to be referred to by the Office Action alternatively as Warshavsky and Varshavsky. Applicants respectfully believe that this was merely a typographical error, and will refer to U.S. Patent 6,732,095 as Warshavsky.

Warshavsky provides a method and apparatus for mapping between XML and relational representations. As set forth in column 3, lines 39-41, "The flexible XML system has a metadata schema that permits the definition of mappings between a relational data representation and XML documents." Further, "Once the mapping definition is created, a software component known as the XML Converter, can be used for automatic conversion between XML documents and relational data." Column 4, lines 13-16. Thus, Warshavsky essentially provides mapping and conversion between relational data and XML documents.

Linstedt provides a method and system of data warehousing and building business intelligence using a data storage model. Additionally, Linstedt discloses that the system can be

designed to include a number of data storage units including a data dock, a staging area, a data vault, a data mart, a data collection area, a matrix repository, and a metadata repository. See Abstract.

Applicants' independent claim 1 provides,

"A method of migrating business data from a source system to an extensible destination system, the method comprising:

examining a structural definition of the extensible destination system and synchronizing a structure of an intermediate database system with the extensible destination system;

collecting source data from the source system and populating the synchronized intermediate database system with source data; and migrating the source data from the intermediate database system to the extensible destination system."

With respect to independent claim 1, the Office Action asserted that Warshavsky provides, "Examining a structural definition of the extensible destination system as the XML mapping definition" (citing column 3, lines 40-45 of Warshavsky). Thus, it appears that the position of the Office Action is that the XML mapping definition of the XML system is construed as equivalent to the "structural definition of the extensible destination system" set forth in independent claim 1. The Office Action then addresses the next feature of independent claim 1, "synchronizing a structure of an intermediate database system with the extensible designation system" by asserting that Warshavsky provide mapping the set of relational data to XML document(s). Here, it appears that the Office Action has used the exact same feature of Warshavsky (the XML mapping definition) to address a wholly distinct aspect of independent claim 1. Additionally the Office Action asserts that "populating the synchronized intermediate database system with the source data" is met by storing business data in a relational database. Thus, the construction of the Office Action requires that the intermediate database system of independent claim 1 be equated with the relational database of Warshavsky. Thus, the feature of claim 1 reciting synchronizing the structure of the intermediate database system with the extensible destination system would require that the relational database of Warshavsky be synchronized with the XML document. This is simply neither taught nor suggested by Warshavsky. Thus the construction fails.

Notwithstanding the strained construction imposed upon the Warshavsky reference, the Office Action does admit that Warshavsky does not explicitly teach the claimed limitation, "collecting source data from the source system." The Office Action then turns to the teachings of Linstedt to provide this missing feature. The Office Action then asserts,

"It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Linstedt's teaching of receiving data from at least one source system of an enterprise, wherein the data is representative of business operations of the enterprise; delivering the data to a staging area via a first metagate, wherein the staging area focuses the data into a single area on a single relational database management system to Varshavsky's [sic] system in order to provide a method of implementing a data migration, data integration, data warehousing, and business intelligence system at client site."

Respectfully, 35 U.S.C. §103 requires more than the mere conclusory statement that a feature of Linstedt added to the Warshavsky reference would provide the listed functions. Moreover, it is unclear why one skilled in the art would wish to combine those features since Warshavsky already indicates that business data is stored in various relational databases. Instead, it appears that the critical statement proffered on Page Four of the Office Action to support the rejection under 35 U.S.C. §103 is merely a form paragraph that selects one or more aspects of the Linstedt reference and then combines them with Warshavsky supported simply by a recitation of functions listed in the Abstract of Linstedt.

For the reasons set forth above, Applicants respectfully submit that independent claim 1 is allowable over Warshavsky and Linstedt, taken alone or in combination. Further, Applicants respectfully submit that dependent claims 2-19 are allowable as well by virtue of their dependency, either directly or indirectly, from allowable independent claim 1.

Amended independent claim 20 recites a method of migrating business data from a source system to a destination system. In particular, the method requires populating an intermediate database system, the structure of which is synchronized with the destination system, with source data. As set forth above, it appears that Warshavsky does not, indeed, teach or suggest this feature. Additionally, as Applicants have set forth above, the combination of the Linstedt teachings with Warshavsky is not supported by a reasonable suggestion in order to set

forth a *prima facie* case of obviousness under 35 U.S.C. §103. Accordingly, Applicants respectfully submit that claim 20 is also allowable over Warshavsky and Linstedt, taken alone or in combination. Additionally, Applicants respectfully submit that dependent claims 21-34 are allowable as well by virtue of their dependency, either directly or indirectly, from allowable amended independent claim 20.

Section Ten of the Office Action indicated that independent claims 1 and 20, among others, were rejected under 35 U.S.C. §103(a) as being unpatentable over Warshavsky et al. (U.S. Patent 6,732,095) in view of Lau (U.S. Patent No. 6,502,098). Applicants respectfully traverse this rejection in view of the following. Applicants respectfully submit that the construction of the Warshavsky reference set forth in Section Ten of the Office Action is the same as that set forth in Section Five. Moreover, the Lau reference does not appear to provide the missing subject matter. Thus, Applicants respectfully submit that the hypothetical combination fails to reach the subject matter of independent claims 1 and 20 for the same reasons as set forth above.

Notwithstanding the above, Applicants respectfully submit that the Office Action has failed to set forth a *prima facie* case of obviousness under 35 U.S.C. §103. In order to support the combination, the Office Action asserted,

"It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Lau's teaching of retrieving data and transferring data from one system to a relational database to Varshavsky's [sic] system in order to provide a method of implementing a data migration, data integration, data warehousing, and business intelligence system at client site."

Respectfully, there is no indication how the three-stage transfer "from one system to a relational database to Varshavsky's system [sic]" would provide the method of implementing data migration, data integration, data warehousing and business intelligence system. If there is to be a meaningful suggestion to apply the data exporting and importing techniques of Lau to the dissimilar relational-XML conversion teachings of Warshavsky, a clear and articulate statement must be provided to indicate why one skilled in the art would have been motivated to do so. Applicants respectfully submit that such a statement has not been provided. Accordingly, Applicants respectfully submit that independent claims 1 and 20 are allowable over Warshavsky

and Lau, taken alone or in combination. Further, Applicants respectfully submit that dependent claims 2-19 and 21-34 are allowable as well by virtue of their dependency, either directly or indirectly, from allowable independent claims.

In conclusion, Applicants respectfully submit that the entire application is now in condition for allowance. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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